

## REMARKS

The Final Office Action of January 2, 2008, has been received and reviewed. Claims 1, 3-8, 11, 13, 16, 22, and 24-26 are currently pending in the application. Claims 1, 3-8, 11, 13, 16, 22, and 24-26 stand rejected. Claims 1, 22, and 24 stand objected to. Claims 4-8, 22, and 24-26 are cancelled herein. Claim 1 is amended herein. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been presented. Reconsideration is respectfully requested.

### Rejections Under 35 U.S.C. § 112, First Paragraph, Enablement

Claims 1, 3-8, 11, 13, 16, 22, and 24-26 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly failing to comply with the enablement requirement. Applicants note that the rejections of claims 4-8, 22, and 24-26 are moot as these claims are cancelled herein. Applicants respectfully traverse the remaining rejections as hereinafter set forth.

Although the applicants do not agree that any of the claims lack enablement, to expedite prosecution, claim 1 has been amended herein. Specifically, claim 1, has been amended to recite:

A recombinant receptor comprising:  
an extracellular ligand-binding domain of a mammalian receptor; and  
a cytoplasmic domain comprising a domain derived from a cytoplasmic domain of a mammalian receptor, at least one activation site that is a tyrosine residue and a heterologous bait polypeptide heterologous to the domain derived from a cytoplasmic domain of a mammalian receptor;  
wherein said cytoplasmic domain comprises a JAK-binding site; and  
wherein the activation of said recombinant receptor is inhibited by binding of a fusion protein to said heterologous bait polypeptide, said fusion protein comprising a prey polypeptide and at least one of an inhibitor of the activation of said recombinant receptor that is selected from the group consisting of a member of the SOCS family, a JAK-phosphatase, and a STAT-phosphatase (emphasis added).

Applicants note that claim 1 as amended, was indicated as enabled by the Examiner at pages 2-3 of the Final Office Action mailed January 2, 2008, to wit:

the specification, . . . being enabling for

(1) a recombinant receptor comprising:

an extracellular ligand-binding domain of a mammalian receptor;  
a cytoplasmic domain comprising a domain derived from a cytoplasmic domain of a mammalian receptor, at least one activation site that is a tyrosine

residue, and a heterologous bait polypeptide heterologous to the domain derived from a cytoplasmic domain of a mammalian receptor;

wherein said cytoplasmic domain comprises a JAK-binding site; and

wherein the activation of said recombinant receptor is inhibited by binding of a fusion protein to said heterologous bait polypeptide, said fusion protein comprising a prey polypeptide and an inhibitor of the activation of said recombinant receptor that is selected from the group consisting of a member of the SOCS family, a JAK-phosphatase, and a STAT-phosphatase.

At least in view of the Examiner's comment that the above described subject matter is enabled by the Specification, applicant respectfully submit that claim 1, as amended, is enabled. In addition, applicants respectfully submit that claims 3, 11, 13, and 16 are enabled, *inter alia*, as depending from enabled base claim 1.

In view of at least the foregoing, applicants respectfully request the withdrawal of the rejections of claims 1, 3, 11, 13, and 16 under 35 U.S.C. § 112, first paragraph, for lack of enablement, and reconsideration of same.

#### **Rejections Under 35 U.S.C. § 112, First Paragraph, Written Description**

Claims 1, 3-8, 11, 13, 16, 22, and 24-26 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly failing to comply with the written description requirement. Applicants note that the rejections of claims 4-8, 22, and 24-26 are moot as these claims are cancelled herein. Applicants respectfully traverse the remaining rejections as hereinafter set forth.

Although the applicants do not agree that any of the claims lack written description, to expedite prosecution, claim 1 has been amended herein. Applicants note that claim 1 as amended, was indicated as properly described by the Examiner at page 13 of the Final Office Action mailed January 2, 2008, to wit:

[f]or reasons similar to those set forth above in the enablement rejection, it is found persuasive that the specification provides written description for a genus of receptors that comprise a JAK-binding site, a corresponding activation site that is a tyrosine residue, and that are inhibited by an inhibitor that is a SOCS family member, JAK or STAT phosphatase.

At least in view of the Examiner's comment that the above subject matter is adequately described by the Specification, applicant respectfully submit that claim 1, as amended, complies with the written description requirement. In addition, applicants respectfully submit that claims

3, 11, 13, and 16 comply with the written description requirement, *inter alia*, as depending from adequately described base claim 1.

In view of at least the foregoing, applicants respectfully request the withdrawal of the rejections of claims 1, 3, 11, 13, and 16 under 35 U.S.C. § 112, first paragraph, for lack of written description, and reconsideration of same.

### **Claim Objections**

Claims 1, 22, and 24 stand objected to as reciting the term “JAK binding site” whereas the specification only uses the term “JAK-binding site.” Applicants note that the rejections of claims 22 and 25 are moot as these claims are cancelled herein. Applicants respectfully submit that the amendments to claim 1 overcome the rejection. In view of the amendments to claim 1, applicants respectfully request the withdrawal of the objection to claim 1 and reconsideration of same.

### **ENTRY OF AMENDMENTS**

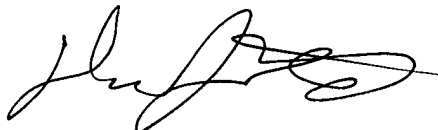
Pursuant to 37 C.F.R. § 1.116, applicants respectfully submit that the amendments presented herein should be entered as the amendments are made to expedite prosecution, are believed to remove issues for appeal, and place the application in condition for allowance.

Applicants respectfully note that, as indicated at MPEP § 714.13(III), the Examiner is required to give the proposed amendments sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. Applicants respectfully submit that the amendments avoid the rejections set forth in the Final Office Action, raise no issues of new matter, present no issues requiring further consideration or search, and do not present any additional claims. If the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested as they remove issues for appeal. As such, the applicants respectfully request that the amendments presented herein be entered and a Notice of Allowance issued.

## CONCLUSION

In light of the above amendments and remarks, applicants respectfully request reconsideration of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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